

PROPOSED BY: BROWNE, DONOVAN, BUCHANAN
INTRODUCTION DATE: May 4, 2021

ORDINANCE NO. _____

SUBMITTING TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSAL TO AMEND WHATCOM COUNTY CHARTER SECTION 8.22 TO ALIGN REQUIREMENTS FOR AMENDING THE CHARTER BY CITIZEN INITIATIVE WITH WASHINGTON STATE NORMS

WHEREAS, Washington State secures the right of citizens to make and remake their laws, to petition to place laws directly on the ballot for other voters; and

WHEREAS, RCW 29A.72.160 states that persons proposing any initiative measure must obtain signatures of legal voters equal to or exceeding eight percent of the votes cast for the office of governor at the last regular gubernatorial election; and

WHEREAS, the Whatcom County Charter Section 8.22, Amendments by the Public, states that "The public may propose amendments to the Charter by registering with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to, but not less than, fifteen (15) percent of the number of votes cast in the county in the last gubernatorial election"; and

WHEREAS, the norm in Washington State is to use the percentage of votes cast for the highest executive office of the entity to which the initiative petition for charter amendment is addressed. For statewide initiatives that means the latest gubernatorial race, for county initiatives the latest county executive race, for city initiatives, the latest mayoral race; and

WHEREAS, five of the six First-Class Cities in Washington State use the percentage of votes cast in the most recent mayoral race, as do all other cities where citizen-initiated charter amendments are permitted; and

WHEREAS, of the four counties with county executive-council charters, Snohomish is the only other county using the gubernatorial vote; and

WHEREAS, gubernatorial and county elections are held in different years, with far higher turnout in gubernatorial elections (137,935 votes cast for governor in 2020, vs. 80,734 votes cast for county executive in 2019), making gubernatorial turnout a vastly disproportionate standard for county initiatives; and

WHEREAS, the Whatcom County Charter sets a higher bar than other local governments in Washington State; and

WHEREAS, the Whatcom County Council supports the right of citizens to make and remake their laws and to petition to place charter amendments directly on the ballot for other voters to consider; and

WHEREAS, the Whatcom County Council does not wish to unduly burden citizens who wish to exercise their rights to propose amendments to their charter.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the County Auditor place on the November 2021 general election ballot a charter amendment specifying that "The public may propose amendments to the Charter by registering with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to, but not less than, fifteen (15) percent of the number of votes cast in the county in the last county executive election." The changes would amend Section 8.22 of the County Charter as shown in Exhibit A.

ADOPTED this _____ day of _____ 2021.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Approved by Karen Frakes via email/LB
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date:_____

EXHIBIT A

Section 8.22 Amendments by the Public.

The public may propose amendments to the Charter by registering with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to, but not less than, fifteen (15) percent of the number of votes cast in the county in the last gubernatorial County Executive election. Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the Auditor, who shall submit the amendments to the voters. The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger. If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day.